

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: CHAIRMAN GARY L. PERRY, on January 12, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 96, SB 103, SB 108, SB 140,
1/7/2009

Executive Action: None

HEARING ON SB 103

Opening Statement by Sponsor:

00:03:18 **SEN. LYNDA MOSS (D), SD 26**, opened the hearing on **SB 103**, Revise sentencing restrictions.

Proponents' Testimony:

00:04:56 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ)

[EXHIBIT\(jus06a01\)](#)

00:07:46 Mark Mattioli, (DOJ)

00:10:20 Ron Alsbury, Chief of Probation/Parole, Department of Corrections (COR)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:11:59 Sen. McGee

00:12:19 Sen. Moss

00:12:29 Sen. Laslovich

00:13:24 Mr. Mattioli

Closing by Sponsor:

00:14:21 Sen. Moss

HEARING ON SB 108

Opening Statement by Sponsor:

00:15:20 **SEN. LARRY JENT (D), SD 32**, opened the hearing on **SB 108**, Revise child custody statutes regarding military service.

[EXHIBIT\(jus06a02\)](#)

Proponents' Testimony:

00:23:05 Gen. John Walsh, Brigadier General, Adjutant General,
Director-Department of Military Affairs, State of
Montana
00:25:20 Dan Antonietti, State Director, Veteran of Foreign Wars
Association
00:25:56 Michael Creeden, Montana National Guard, First Platoon
Leader
00:27:54 Dave Dreher, self, Montana Reserve Officers
Association-past president
00:29:29 Christopher Fuchs, former soldier, Montana Army National
Guard
00:33:11 Austin Smith, Private First Class (PFC), Montana
National Guard
00:35:26 Jane Phillips, self

Opponents' Testimony:

None

Informational Testimony:

00:36:16 Col. James P. Moran, Judge Advocate General (JAG),
Department of Military Affairs
[EXHIBIT\(jus06a03\)](#)

Questions from Committee Members and Responses:

00:39:55 Sen. Laslovich
00:40:49 Col. Moran
00:43:57 Sen. Shockley
00:44:18 Col. Moran
00:45:06 Sen. McGee
00:45:46 Sen. Jent
00:47:45 Sen. Shockley
00:48:21 Col. Moran

Closing by Sponsor:

00:49:32 Sen. Jent

00:50:50 Break

HEARING ON SB 96

Opening Statement by Sponsor:

01:02:50 **SEN. LARRY JENT (D), SD 32**, opened the hearing on **SB 96**, Revise mental illness evaluations in criminal justice system.

EXHIBIT(jus06a04)

Proponents' Testimony:

01:08:11 Ed Amberg, Director, Montana State Hospital-Warm Springs, Montana

01:15:07 Dianna Koch, Chief Legal Council, Department of Corrections (COR)

01:19:50 Pam Bunke, Administrator, Adult Community, COR

01:20:53 Deb Matteucci, Behavioral Specialist Liaison, COR-Department Public Health and Human Services (DPHHS)

01:23:00 Marti Wangen, Executive Director, Montana Psychological Society

EXHIBIT(jus06a05)

01:24:14 Donna Zook, Dr., licensed clinical psychologist, Montana Psychological Society

Opponents' Testimony:

None

Informational Testimony:

01:27:13 Leo Gallagher, Montana County Attorneys' Association, Lewis and Clark County Attorney

Questions from Committee Members and Responses:

01:30:15 Sen. Shockley

01:30:58 Ms. Matteucci

01:32:47 Sen. McGee

01:33:47 Sen. Jent

01:35:24 Sen. Esp

01:36:32 Sen. Jent

01:38:28 Sen. Esp

01:39:03 Mr. Gallagher

01:40:04 Sen. Laslovich

01:40:56 Ms. Wangen

01:42:00 Dr. Zook

01:48:06 Sen. Laslovich

01:48:41 Ms. Matteucci

01:49:38 Sen. Curtiss
01:50:02 Mr. Amberg
01:53:54 Sen. Larsen
01:54:11 Sen. Jent
01:56:38 Sen. Shockley
01:57:40 Mr. Gallagher
01:58:11 Sen. McGee
01:59:06 Sen. Jent
02:00:12 Sen. Esp

Closing by Sponsor:

02:01:03 Sen. Jent

02:02:58 Break

HEARING ON SB 140

Opening Statement by Sponsor:

02:10:00 **SEN. GARY PERRY (R), SD 35**, opened the hearing on **SB 140**, Remove termination of domestic violence fatality review commission.

Proponents' Testimony:

02:12:44 Ali Bovingdon, Assistant Attorney General, Department of Justice (DOJ)
EXHIBIT(jus06a06)
02:14:59 Matthew Dale, Coordinator-Fatality Review Commission, Consumer Protection Services, DOJ
EXHIBIT(jus06a07)
02:19:49 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:21:14 Sen. Moss
02:21:54 Sen. McGee
02:23:00 Sen. Perry

Closing by Sponsor:

02:26:57 Sen. Perry

Committee Business:

02:27:35 Sen. Perry

ADJOURNMENT

Adjournment: 11:30 A.M.

PAM SCHINDLER, Secretary

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Additional Exhibits:

EXHIBIT ([jus06aad.pdf](#))